

**Assembly Bill No. 1799**

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Passed the Assembly    August 31, 2000

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*Chief Clerk of the Assembly*

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Passed the Senate    August 29, 2000

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Section 4904 of the Penal Code, and to add Section 17157 to the Revenue and Taxation Code, relating to indemnification.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1799, Baugh. Indemnification: erroneously convicted persons.

Existing law requires the State Board of Control to report to the Legislature the facts of a case involving a claimant who has sustained pecuniary injury as a result of having been convicted of a crime for which the claimant was found to be innocent if, in addition, the claimant did not contribute to his or her arrest or conviction. The board is also required to include in its report to the Legislature, its recommendation that an appropriation be made to indemnify the claimant for the pecuniary injury, but the amount of the appropriation recommended is limited to \$10,000.

This bill would remove the \$10,000 limitation on the appropriation recommended and would instead make the recommended appropriation equivalent to the sum of \$100 per day of incarceration served subsequent to the claimant's conviction. The bill would also provide that the appropriation not be treated as gross income to the recipient under California law.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4904 of the Penal Code is amended to read:

4904. If the evidence shows that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his or her arrest or conviction, and that the claimant has sustained pecuniary injury through his or



her erroneous conviction and imprisonment, the State Board of Control shall report the facts of the case and its conclusions to the next Legislature of this state, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury; but the amount of the appropriation recommended shall be a sum equivalent to one hundred dollars (\$100) per day of incarceration served subsequent to the claimant's conviction and that appropriation shall not be treated as gross income to the recipient under the provisions of the Revenue and Taxation Code.

SEC. 2. Section 17157 is added to the Revenue and Taxation Code, to read:

17157. Gross income shall not include any amount received in any taxable year by a claimant pursuant to Section 4904 of the Penal Code.

Approved \_\_\_\_\_, 2000

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*Governor*

